

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ERIC JON PHELPS,**  
**Plaintiff**

**v.**

**JOHN AND JANE DOES, 1-99,**  
**Defendants**

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**No. 1:17-cv-02193**

**(Judge Kane)**

**(Magistrate Judge Saporito)**

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Before the Court in the above-captioned action is Magistrate Judge Saporito's May 4, 2018 Report and Recommendation (Doc. No. 18), recommending that the Court construe pro se Plaintiff Eric Jon Phelps' motion to dismiss without prejudice (Doc. No. 17), as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), and dismiss this action without prejudice. No timely objections have been filed.

**ACCORDINGLY**, on this 22nd day of May 2018, upon independent review of the record and applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** Magistrate Judge Saporito's Report and Recommendation (Doc. No. 18);
2. Plaintiff's motion to dismiss without prejudice (Doc. No. 17), is **CONSTRUED** as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i);
3. This action is **DISMISSED WITHOUT PREJUDICE**; and
4. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania